

ORDINANCE _____

AN ORDINANCE related to land use and zoning, amending Sections 23.40.035, 23.42.040, 23.42.050, 23.44.014, 23.44.041, 23.45.504, 23.45.532, 23.45.545, 23.47A.005, 23.47A.008, 23.55.002, 23.55.003, 23.55.012, 23.55.022, 23.55.024, 23.76.004, 23.76.006, 23.84A.032, 23.86.006, 23.91.002, and Chapter 23.52 of the Seattle Municipal Code, adding Section 23.76.067 to make clarifications and corrections to errors and omissions and stimulate job creation consistent with the Comprehensive Plan; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 23.40.035 is hereby added to the Seattle Municipal Code, as follows:

23.40.035 Location of accessory dwelling units on through lots

On a lot, when yards cannot be determined pursuant to subsection 23.40.030, the Director may designate a rear yard for the purpose of allowing a detached accessory dwelling unit when:

A. The configuration of the lot including but not limited to the location of existing structures and vehicular and pedestrian access support a finding of one yard as a front yard and the other a rear yard;

B. Existing streetscapes and development patterns are not disrupted; and

C. The detached accessory dwelling unit meets the provisions of Section 23.44.041.

Section 2. Section 23.42.040 of the Seattle Municipal Code, which section was last amended by Ordinance [CB 117124], is amended as follows:

23.42.040 Intermittent, temporary and interim uses

The Director may grant, deny or condition applications for the following intermittent, interim, or temporary uses not otherwise permitted or not meeting development standards in the zone.

A. Intermittent Uses.

1 1. A Master Use Permit for a time period of up to one year may be authorized for
2 any use that occurs no more than ~~((two))~~ three days per week and does not involve the erection
3 of a permanent structure, provided that:

4 a. The use shall not be materially detrimental to the public welfare; and

5 b. The use shall not result in substantial injury to the property in the
6 vicinity; and

7 c. The use shall be consistent with the spirit and purpose of the Land Use
8 Code.

9 ***

10 C. Temporary Uses for Up to ~~((Six (6) Months))~~ One Year. A Master Use Permit for a
11 time period of ~~((up to six (6) months))~~ more than four weeks up to 12 months may be authorized
12 for any use that does not involve the erection of any permanent structure and that meets the
13 requirements of subsection 23.42.040.A.1.a-c ~~((above))~~.

14 ***

15 Section 3. Section 23.42.050 of the Seattle Municipal Code, which section was last
16 amended by Ordinance [CB 117124], is amended as follows:

17 **23.42.050 Home occupations**

18 A home occupation of a person residing in a dwelling unit is permitted outright in that
19 dwelling unit in all zones as an accessory use to any residential use permitted outright or to a
20 permitted residential conditional use, in each case subject to the standards of this Section.

21 A. The occupation shall be clearly incidental to the use of the dwelling unit as a dwelling.

22 B. Commercial deliveries and collections.

23 1. Commercial deliveries and pickups to the dwelling unit ~~((shall be))~~ on
24 Saturdays, Sundays and federal holidays are limited to ~~((one))~~ two per day.

1 2. Commercial deliveries and collections by vehicles exceeding a gross vehicle
2 weight of 10,000 pounds are limited to two per day on any day of the week. ((Monday through
3 Friday. No commercial deliveries or pickups shall be permitted on Saturday, Sunday or federal
4 holidays.))

5 ((C. To discourage drop in traffic, the address of the home occupation shall not be given
6 in any advertisement, including but not limited to commercial telephone directories, newspapers,
7 magazines, signs, flyers, radio, television or other media. Addresses may be listed on business
8 cards, but a statement must be included to the effect that business is by appointment only.))

9 C. Customer visits shall be by appointment only.

10 D. The occupation ((shall)) may be conducted ((only)) within ((the principal)) any
11 structure, ((or in an accessory dwelling unit)) provided that licensed child care may be conducted
12 only in the principal structure or in an accessory dwelling unit in accordance with licensing
13 conditions.

14 E. Parking of vehicles associated with the home occupation shall be permitted anywhere
15 that parking is permitted on the lot.

16 ((E.))F. To preserve the residential appearance of the dwelling unit, there shall be no
17 evidence of the home occupation visible from the exterior of the structure((;)), provided that:

18 1. Outdoor play areas for licensed child care programs and outdoor activities
19 customarily incidental to the residential use ((shall be)) are permitted.

20 2. Interior and exterior alterations and additions consistent with the development
21 standards of the underlying zone are permitted.

22 3. Alterations and additions required by licensing or construction codes for
23 licensed child care programs are permitted.

24 4. Signs identifying the home occupation are permitted subject to Chapter 23.55,
25 Signs.

1 G. No outdoor storage (~~((shall be))~~) is permitted in connection with a home occupation.

2 ~~((F. To preserve the residential character and use of the dwelling unit, only internal~~
3 ~~alterations customary to residential use shall be permitted, and no external alterations shall be~~
4 ~~permitted to accommodate a home occupation, except as required by licensing or construction~~
5 ~~codes for child care programs.))~~

6 ~~((G.))~~H. Except for licensed child care programs, not more than ~~((one))~~ two persons,
7 whether full-time or part-time, who ~~((is not a resident))~~ are not residents of ~~((the))~~ a dwelling
8 unit on the lot may work in ~~((the dwelling unit of the))~~ a home occupation whether or not
9 compensated. ~~((This includes persons working off site who come to the site for business~~
10 ~~purposes at any time as well as persons working on site.))~~

11 ~~((H.))~~I. The home occupation shall not cause ~~((or add to))~~ a substantial increase in on-
12 street parking congestion or ~~((cause))~~ a substantial increase in traffic ~~((through residential areas))~~
13 within the immediate vicinity.

14 ~~((I.))~~J. A maximum of two passenger vehicles, vans and similar vehicles each not
15 exceeding a gross vehicle weight of 10,000 pounds ~~((shall be))~~ are permitted to operate in
16 connection with the home occupation, independent of deliveries and pickups as provided for in
17 subsection 23.40.050.B.

18 ~~((J.))~~K. The home occupation shall be conducted so that noise, odor, smoke, dust, light
19 and glare, and electrical interference and other similar impacts are not detectable by sensory
20 perception at or beyond the property line of the lot where the home occupation is located.

21 ~~((K. Signs are regulated by Chapter 23.55.))~~

22 L. Licensed child care programs in the home of the operator are limited to 12 children per
23 day including the children of the operator.

24 Section 4. Section 23.44.014 of the Seattle Municipal Code, which section was last
25 amended by Ordinance [CB 117124], is amended as follows:

23.44.014 Yards

Yards are required for every lot in a single-family zone. A yard that is larger than the minimum size may be provided.

A. Front Yards.

1. The front yard depth shall be either the average of the front yards of the single-family structures on either side or ~~((twenty-(20)))~~ 20 feet, whichever is less.

2. On any lot where the natural gradient or slope, as measured from the front line of the lot for a distance of ~~((sixty-(60)))~~ 60 feet or the full depth of the lot, whichever is less, is in excess of ~~((thirty-five-(35)))~~ 35 percent, the required front yard depth shall be either ~~((twenty-(20)))~~ 20 feet less one ~~((1))~~ foot for each one ~~((1))~~ percent of gradient or slope in excess of ~~((thirty-five-(35)))~~ 35 percent, or the average of the front yards on either side, whichever is less.

3. In the case of a through lot, each yard abutting a street, except a side yard, shall be a front yard. Rear yard ~~((requirements))~~ provisions shall not apply to the lot, except pursuant to Section 23.40.030 or 23.40.035.

4. A larger yard may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

Section 5. Section 23.44.041 of the Seattle Municipal Code, which section was last amended by Ordinance [CB 117124], is amended as follows:

23.44.041 Accessory Dwelling Units

B. Accessory dwelling units, detached, additional provisions. The Director may authorize a detached accessory dwelling unit, also known as a backyard cottage, and that unit may be used as a residence, only under the conditions set forth in subsection 23.44.041.A and the following additional conditions:

1. Detached accessory dwelling units are not permitted on a lot if any portion of the lot is within the Shoreline District established pursuant to Section 23.60.010.

2. Detached accessory dwelling units are required to meet the additional development standards set forth in Table B for 23.44.041:

Table B for 23.44.041	
Development Standards for Detached Accessory Dwelling Units¹	
a. Minimum Lot Size	4,000 sq. ft.
b. Minimum Lot Width	25 feet
c. Minimum Lot Depth	70 feet ²
d. Maximum Lot Coverage	The provisions of Section 23.44.010 apply.
e. Maximum Rear Yard Coverage	A detached accessory dwelling unit, together with any other accessory structures and other portions of the principal structure, is limited to a maximum combined coverage of 40% of the rear yard.
f. Maximum Gross Floor Area	800 sq. ft. including garage and storage area but excluding areas below grade, measured as set forth in Section 23.86.007.
g. Front Yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.A, <u>except on a through lot pursuant to Section 23.40.030 or Section 23.40.035 and row i for Table B for 23.44.041.</u>
h. Minimum Side Yard	The provisions of subsection 23.44.014.C apply. ⁷
i. Minimum Rear Yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. ^{3,4}
j. Location of Entry	Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.

Table B for 23.44.041
Development Standards for Detached Accessory Dwelling Units¹

k. Maximum Height Limits ⁵	((The roof peak of the detached accessory dwelling unit may not extend more than 15 feet above the roof peak of the principal dwelling unit and must comply with the height limits set forth in the table below.))				
	Lot Width (feet)				
	Less than 30	30 or greater up to 35	Above 35 up to 40	Above 40 up to 50	50 or greater ⁶
(1) Maximum Structure Height (feet)	12	14	15	16	16
(2) Maximum Structure Height with Pitched Roof (feet)	15	21	22	22	23
(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit A for 23.44.041.	15	18	19	20	20
l. Minimum Separation from Principal Structure	5 feet				

Footnotes:

1. The Director may allow an exception to standards a-f, h, i and j pursuant to subsection 23.44.041.B.3, for converting existing accessory structures.
2. For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than 5,000 sq. ft., a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.
3. If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.
4. On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.
5. Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height. The additional height for sloped lots permitted by subsection 23.44.012.B does not apply.
6. Detached accessory dwelling units may also be built to the maximum height limits listed in this column if both of the following conditions are met: a) the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley; and b) the width of the lot is greater than 40 feet ((or greater)).
7. The exceptions from standard yard requirements in subsection 23.44.014.D.6.a shall also apply.

3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, except pursuant to Section 23.40.030 or 23.40.035, may be

converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code and with the Seattle Residential Code if work requiring a permit is performed on the structure or has previously been performed without a permit. The Director may allow an exception to one or more of the development standards for accessory dwelling units contained in subsections 23.44.041.A.4 and standards a-f, h, i and j listed in Table B for 23.044.041, provided the conversion does not increase the structure's nonconformity with the standard and the applicant can demonstrate that the accessory structure was constructed prior to June 1, 1999, as an accessory structure.

Section 6. Section 23.45.504 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.45.504 Permitted and prohibited uses

A. All uses are permitted outright, prohibited or permitted as a conditional use according to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A, 23.51B, or 23.57. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this Chapter 23.45 and additional regulations in Chapter 23.57. Public facilities are subject to the regulations in Section 23.51A.004.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.45.

Table A for 23.45.504: Permitted and Prohibited Uses

	Permitted and Prohibited Uses by Zone		
Uses	<u>LR1</u>	((LR1)) LR2((,)) and LR3	MR and HR
A. Residential use	<u>P</u>	P	P
B. Institutions	<u>P/CU</u> ¹	P/CU ¹	P/CU ¹

C. Uses in existing or former public schools			
C.1. Child care centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly and similar uses in existing or former public schools.	<u>P</u>	P	P
C.2. Other non-school uses in existing or former public schools	<u>Permitted pursuant to procedures established in Chapter 23.78</u>	Permitted pursuant to procedures established in Chapter 23.78	Permitted pursuant to procedures established in Chapter 23.78
D. Park and pool and park and ride lots	<u>X/CU</u> ²	X/CU ²	X/CU ²
E. Parks and playgrounds including customary uses	<u>P</u>	P	P
F. Ground floor commercial uses	<u>X/RC</u>	<u>P</u> ³ /RC	P ³
G. Medical Service Uses other than permitted ground floor commercial uses	<u>P/X</u> ⁴	P/X ⁴	P/CU/X ⁴
H. Uses not otherwise permitted in landmark structures	<u>CU</u>	CU	CU
I. Cemeteries	<u>P/X</u> ⁵	P/X ⁵	P/X ⁵
J. Community Gardens	<u>P</u>	P	P
K. All other uses	<u>X</u>	X	X
<p>1. Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter 23.45 shall apply to Major Institution uses as provided in Chapter 23.69.</p> <p>2. Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506.</p>			

3. Subject to subsections 23.45.504.C and 23.45.504.E((-)), commercial uses and outdoor sales uses are permitted in Lowrise 2 and Lowrise 3 zones that are located within an Urban Center or the Station Area Overlay District.

4. Subject to subsection 23.45.504.G and 23.45.506.F.

5. Subject to subsection 23.45.504.F.

P = Permitted outright

CU = Permitted as an Administrative Conditional Use

RC = Permitted in areas zoned Residential Commercial (RC), and subject to the provisions of the RC zone, Chapter 23.46

X = Prohibited

C. Accessory uses. The following accessory uses are permitted in all multifamily zones, subject to standards in Section 23.45.545, if applicable:

1. Private garages and carports;

2. Private, permanent swimming pools, hot tubs and other similar uses;

3. Solar collectors, including solar greenhouses;

4. Open wet moorage accessory to residential structures;

5. Uses accessory to parks and playgrounds, pursuant to Section 23.45.578;

6. Bed and breakfasts in a dwelling unit that is at least five years old;

7. Recycling collection stations;

8. Urban farms with planting area not more than 4,000 square feet. Urban farms with greater than 4,000 square feet of planting area may be allowed as an administrative conditional use to any use permitted outright or as a conditional use. The Director may grant, condition or deny a conditional use permit in accordance with subsection 23.52.051.B; and

9. Accessory dwelling units.

D. Heat recovery incinerators may be permitted as accessory administrative conditional uses, pursuant to Section 23.45.506.

E. Ground floor commercial use and outdoor sales.

1. Drive-in businesses are prohibited, either as a principal or accessory use.

2. The following uses are permitted as ground-floor commercial uses in Lowrise 2 and Lowrise 3 zones located within an Urban Center or the Station Area Overlay District, and in Midrise and Highrise zones pursuant to Section 23.45.532((3));

a. Business support services;

b. Food processing and craft work;

c. General sales and services;

d. Medical services;

e. Offices;

f. Restaurants; and

g. Live-work with one of the uses permitted in this subsection 23.45.504.E as the permitted commercial use.

h. Outdoor general sales and services and outdoor sales and/or service of food or beverages.

~~((2. In MR zones, ground-floor commercial uses are permitted only on a lot that is within 800 feet of a neighborhood commercial zone.))~~

Section 7. Section 23.45.532 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

23.45.532 Standards for ground floor commercial uses in LR, MR and HR zones

1 A. All ground-floor commercial uses permitted pursuant to Section 23.45.504, except
2 medical service uses permitted pursuant to Section 23.45.506, shall meet the following
3 conditions:

4 1. The commercial use is permitted only on the ground floor of a structure. On
5 sloping lots, the commercial use may be located at more than one level within the structure as
6 long as the floor area in commercial use does not exceed the area of the structure's footprint,
7 excluding the area of any outdoor sales use meeting the provisions of subsection 23.45.532.D.
8 See Exhibit A for 23.45.532.

9 2. The gross floor area of any one business establishment can be no greater than
10 4,000 square feet, except that the gross floor area of a multi-purpose retail sales establishment
11 may be up to 10,000 square feet.

12 B. No loading berths are required for ground-floor commercial uses. If provided, loading
13 berths shall be located so that access to residential parking is not blocked.

14 C. Identifying business signs are permitted pursuant to Chapter 23.55, Signs.

15 D. Outdoor sales are exempt from setback provisions of the underlying zone.

16 Section 8. Section 23.45.545 of the Seattle Municipal Code, which section was enacted
17 by Ordinance 123495, is amended as follows:

18 **Section 23.45.545 Standards for certain accessory uses**

19 * * *

20 I. In Lowrise zones, lots or unit lots that include rowhouse and townhouse units may
21 include accessory dwelling units as follows:

22 1. No more than one accessory dwelling unit shall be located on a lot or unit lot.

23 2. The principal structure on the lot or unit lot shall include one and only one
24 dwelling unit other than the accessory dwelling unit, which other dwelling unit is referred to in
25 this subsection 23.45.545.I as the "principal unit".

3. The owner of the lot or unit lot shall comply with the owner occupancy requirements of subsection 23.44.041.C.

4. Maximum gross floor area:

a. The maximum gross floor area of an accessory dwelling unit is 650 square feet;

b. The gross floor area of the accessory dwelling unit may not exceed 40 percent of the total gross floor area in residential use on the lot, or unit lot, exclusive of garages, storage sheds, and other non-habitable spaces.

5. An accessory dwelling unit shall be located completely within the same structure as the principal unit or in an accessory structure located between the rowhouse or townhouse unit and the rear lot line.

6. The entrance to an accessory dwelling unit provided within the same structure as the principal unit shall be provided through one of the following configurations:

a. Through the primary entry to the principal unit; or

b. Through a secondary entry on a different facade than the primary entry to the principal unit; or

c. Through a secondary entry on the same facade as the primary entry to the principal unit that is smaller and less visually prominent than the entry to the principal unit, and does not have a prominent stoop, porch, portico or other entry feature.

7. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit may not exceed 4 feet in height, except for exterior stairs providing access to an accessory dwelling unit located above a garage.

8. Parking. Parking is not required for an accessory dwelling unit.

Section 9. Section 23.47A.005 of the Seattle Municipal Code, which section was last amended by Ordinance 123589, is amended as follows:

23.47A.005 Street-level uses

A. The requirements of this Section 23.47A.005 apply in addition to the other applicable requirements of this Title 23.

B. Mini-warehouses, warehouses, or utility uses may not abut a street-level street-facing facade in a structure that contains more than one residential dwelling unit.

C. Residential uses at street level.

1. Residential uses are generally permitted anywhere in a structure in NC1, NC2, NC3 and C1 zones, except as provided in subsections 23.47A.005.C.2 and 23.47A.005.C.3.

2. Residential uses may ~~((not))~~ occupy, in the aggregate, no more than 20 percent of the street-level street-facing facade in the following circumstances or locations:

a. In a pedestrian-designated zone, facing a designated principal pedestrian street; or

b. Within the Bitter Lake Village Hub Urban Village; or

c. Within the Lake City Hub Urban Village, except as provided in subsection 23.47A.005.C.~~((4))~~3.d; or

d. Within a zone that has a height limit of 85 feet or higher, except as provided in subsection 23.47A.005.C.3; or

e. Within an NC1 zone, except as provided in subsection 23.47.005.C.3; or

f. Within the Northgate Overlay District, except as provided in 23.71.044.

3. ~~((Residential uses may not exceed, in the aggregate, 20 percent of the street-level street-facing facade if facing an arterial or within a zone that has a height limit of 85 feet or higher, except that there is no limit on))~~ Where the provisions of subsection 23.47A.005.C.2

1 apply, residential uses may occupy up to 100 percent of the street-level street facing façade in a
2 structure, in the following circumstances or locations:

3 a. Within a very low-income housing project existing as of May 1, 2006,
4 or within a very low-income housing project replacing a very low-income housing project
5 existing as of May 1, 2006 on the same site; or ((-))

6 b. The residential use is an assisted living facility or nursing home and
7 private living units are not located at street level; or ((-))

8 c. Within the Station Area Overlay District, in which case Chapter 23.61
9 applies; or ((-))

10 ~~((4-)) d. ((Residential uses may occupy 100 percent of the street-level~~
11 ~~street facing façade in a structure if the))~~ Within a structure that:

12 ~~((a-)) 1) ((I))~~ is developed and owned by the Seattle Housing
13 Authority;

14 ~~((b-)) 2) ((I))~~ is located on a lot zoned NC1 or NC3 that was owned
15 by the Seattle Housing Authority as of January 1, 2009;

16 ~~((c-)) 3) ((I))~~ is not located in a pedestrian-designated zone or a
17 zone that has a height limit of 85 feet or higher; and

18 ~~((d-)) 4) ((D))~~ does not face a designated principal pedestrian street.

19 ~~((5))~~ 4. Additions to, or on-site accessory structures for, existing single-family
20 structures are permitted outright.

21 ~~((6))~~ 5. Where residential uses at street level are limited to 20 percent of the street-
22 level street-facing façade, such limits do not apply to residential structures separated from the
23 street lot line by an existing structure meeting the standards of this ~~((s))~~ Section 23.47A.005 and
24 Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

25 ***

Section 10. Section 23.47A.008 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended as follows:

23.47A.008 Street-level development standards

A. Basic street-level requirements.

1. The provisions of this subsection apply to:

- a. Structures in NC zones;
- b. Structures that contain a residential use in C zones; and
- c. Structures in C zones across the street from residential zones.

2. Blank facades.

a. For purposes of this section, facade segments are considered blank if they do not include at least one of the following:

- 1) Windows;
- 2) Entryways or doorways;
- 3) Stairs, stoops, or porticos;
- 4) Decks or balconies; or
- 5) Screening and landscaping on the facade itself.

b. Blank segments of the street-facing facade between 2 feet and 8 feet above the sidewalk may not exceed 20 feet in width.

c. The total of all blank facade segments may not exceed 40 percent of the width of the facade of the structure along the street.

3. Street-level street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided.

B. Nonresidential street level requirements.

1. The provisions of this subsection and subsection 23.47A.008.A apply to:

- a. Structures with street-level nonresidential uses in NC zones;

b. Structures with street-level nonresidential uses that also contain residential uses in C zones; and

c. Structures with street-level nonresidential uses in C zones across the street from residential zones.

2. Transparency.

a. Sixty percent of the street-facing facade between 2 feet and 8 feet above the sidewalk shall be transparent.

b. Transparent areas of facades shall be designed and maintained to allow unobstructed views from the outside into the structure or, in the case of live-work units, into display windows that have a minimum 30-inch depth.

3. The following height and depth provisions apply to new structures or new additions to existing structures:

a. Nonresidential uses shall extend an average of at least 30 feet and a minimum of 15 feet in depth from the street-level street-facing facade. If the combination of the street-facing facade requirement of subsection 23.47A.008.D.1 and this depth requirement would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to nonresidential use, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be nonresidential.

b. ~~((Nonresidential uses at))~~ The street level of all structures, regardless of use, shall have a floor-to-floor height of at least 13 feet.

C. In pedestrian-designated zones, the provisions of subsections 23.47A.008.A and 23.47A.008.B and the following apply:

1. A minimum of 80 percent of the width of a structure's street-level street-facing facade that faces a principal pedestrian street shall be occupied by uses listed in 23.47A.005.D.1.

1 The remaining 20 percent of the street frontage may contain other permitted uses and/or
2 pedestrian entrances (see Exhibit A for 23.47A.008).

3 2. For purposes of calculating the 80 percent of a structure's street-level facade,
4 the width of a driveway at street level, not to exceed 22 feet, may be subtracted from the width of
5 the street-facing facade if the access cannot be provided from an alley or from a street that is not
6 a designated principal pedestrian street.

7 3. If the street-facing facade and depth requirements would result in a requirement
8 that an area greater than 50 percent of the structure's footprint be dedicated to the uses in
9 subsection 23.47A.005.D.1, the Director may modify the street-facing facade or depth
10 requirements, or both, so that no more than 50 percent of the structure's footprint is required to
11 be dedicated to the uses in subsection 23.47A.005.D.1.

12 D. The provisions of this subsection apply to structures with residential uses located
13 along a street-level street-facing facade in pedestrian-designated zones:

14 1. Residential uses are limited to 20% of the street-level street-facing facade
15 under subsection 23.47A.005.D;

16 2. At least one of the street-level street-facing facades containing a residential use
17 shall have a visually prominent pedestrian entry; and

18 3. The floor of a dwelling unit located along the street-level street-facing facade
19 shall be at least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from
20 the sidewalk.

21 E. When a live-work unit is located on a street-level street-facing facade, the provisions
22 of subsections 23.47A.008.A and 23.47A.008.B apply, and the portion of each such live-work
23 unit in which business is conducted must be located between the principal street and the
24 residential portion of the live-work unit.

F. The Director may allow departures from street-level requirements of this section for projects that are not subject to the Design Review process, as a Type I decision, if the Director determines that the project will maintain the safety and aesthetics of the streetscape for pedestrians and will:

1. maintain pedestrian access to the structure;
2. maintain urban form consistent with adjacent structures;
3. maintain the visibility of nonresidential uses;
4. maintain the privacy of residential uses; or
5. allow the continued use of an existing structure without substantial renovation.

Section 11. A new Subchapter II and a new Section 23.52.008 are added to Chapter 23.52 of the Seattle Municipal Code as follows:

23.52 Transportation Concurrency, ~~((Project Review System))~~ and Impact Mitigation
Subchapter I Transportation Concurrency Project Review System

* * *

Subchapter II Transportation Impact Mitigation

23.52.008 Transportation Impact Mitigation

A. Applicability. The requirements of this Section 23.52.008 apply to new development as described in Table A for 23.52.008. New development that is subject to SEPA environmental review per Chapter 25.05 is exempt from this Subchapter II.

Table A for 23.52.008

DEVELOPMENT LOCATION AND SIZE RANGES WHERE THE REQUIREMENTS OF SECTION 23.52.008 APPLY

<u>Applicable Zones, When Located Within an Urban Center or Station Area Overlay District</u>	<u>Applicable Size Range, When Located in a Mixed-Use Development</u>	
	<u>Number of Residential</u>	<u>Amount of Non-</u>

	<u>Units (dwelling units)</u>	<u>Residential Space (square feet)</u>
<u>LR1</u>	<u>7 to 200</u>	<u>4,001 to 75,000</u>
<u>LR2, LR3, NC1, NC2, NC3, C1, C2, MR, HR, SM</u>	<u>31 to 200</u>	<u>12,001 to 75,000</u>
<u>DOC1, DOC2, DMC, DMR, DH1, DH2, IDM, IDR, PSM, PMM</u>	<u>81 to 250</u>	<u>12,001 to 75,000</u>

B. Authority.

1. The Director may require a transportation impact evaluation for permit applications for which this subsection 23.52.008.B.1 is applicable pursuant to subsection 23.52.008.A. The Director shall determine the level of detail of the analysis based on the probable impacts and/or scale of the proposed development. Analysis or discussion of the following topics and other elements may be required:

- a. Number of additional daily and peak hour vehicular trips;
- b. Likely distribution of project traffic;
- c. Availability and expected usage of transit;
- d. Existing vehicular, pedestrian, and bicycle conditions;
- e. Accident history.

2. The Director may condition permit approval, as a Type I decision, based on the results of a transportation impact evaluation, to minimize or prevent impacts that would undermine the stability, safety and/or character of a neighborhood or surrounding area.

Mitigation may include, but is not limited to:

- a. changes in access;
- b. changes in the location, number and size of curb cuts and driveways;
- c. provision of transit incentives, including transit pass subsidies;

d. bicycle parking;

e. signage;

f. improvements to vehicular, pedestrian and bicycle traffic operations including signalization, turn channelization, right-of-way dedication, street widening, or other improvements proportionate to the impacts of the project; and

g. transportation management plans.

h. Participation in an applicable transportation mitigation payment program.

Section 12. Section 23.55.002 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.55.002 Scope of provisions((:))

A. The provisions of this chapter shall apply to signs in all zones, except those zones regulated by Chapter 23.66, Special Review Districts, and where the provisions of this Chapter 23.55 are superseded by Section 23.69.021 pertaining to signs in the Major Institution Overlay District.

Section 13. Section 23.55.003 of the Seattle Municipal Code, which section was last amended by Ordinance 120466, is amended as follows:

23.55.003 Signs prohibited in all zones((:))

A. The following signs ~~((shall be))~~ are prohibited in all zones:

1. Flashing signs;

2. Signs ~~((which))~~ that rotate or have a rotating or moving part or parts that revolve at a speed in excess of seven ~~((7))~~ revolutions per minute;

3. Signs attached to or located on stationary motor vehicles, equipment, trailers, and related devices, except for signs not exceeding five ~~((5))~~ square feet in area and relating to

the sale, lease or rent of a motor vehicle to which the signs are attached, and except for signs that in the aggregate do not exceed 32 square feet in area on vehicles, equipment, trailers and related premises associated with permitted temporary or intermittent uses;

4. Portable signs other than readily detachable signs having a fixed base or mounting for the placement and intermittent use of such signs;

5. Banners, streamers, strings of pennants, fabric signs, festoons of lights, clusters of flags, wind-animated objects, balloons, searchlights, and similar devices, except where the principal use or activity on the lot is outdoor retail sales in NC3, C1, C2 and downtown zones, and except where permitted as temporary signs ~~((under))~~ pursuant to Section 23.55.012.

6. Signs that attempt or appear to attempt to direct the movement of traffic or that interfere with, imitate or resemble any official traffic sign, signal or device.

7. Signs using a video display method, except as provided in ~~((§))~~ Section 23.55.005, Video display methods.

Section 14. Section 23.55.012 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended as follows:

23.55.012 Temporary signs permitted in all zones~~((,))~~

A. Real estate "for sale," "for rent" and "open house" temporary signs, temporary signs identifying the architect, engineer or contractor for work currently under construction, and temporary noncommercial messages displayed on fabric signs, flags or rigid signs shall be permitted in all zones at all times, provided they are not painted with light-reflecting paint or illuminated. The total area for these types of temporary signs in the aggregate shall not exceed eight ~~((8))~~ square feet per building lot in single-family zones, and ~~((twenty-four-))~~24~~((,))~~ square feet per building lot in all other zones, except as follows: the total area allowed for noncommercial messages may increase to a maximum of eight ~~((8))~~ square feet per dwelling unit for use by the occupant of that dwelling unit; and in buildings where there are eight ~~((8))~~

dwelling units or more, a real estate banner not exceeding ~~((thirty-six-))~~36((+)) square feet may be permitted for one ~~((+))~~ nine ~~((9))~~ month period starting from the date of the issuance of the certificate of occupancy.

B. In addition to the signs described in subsection 23.55.012.A ~~((of this section above,))~~:

1. ((e))Commercial or noncommercial messages may be displayed for a total of four ~~((+fourteen-))~~14((+)) consecutive day periods a calendar year; these additional four ~~((+))~~ periods are the maximum, whether the message is the same message or a different message.

a. These messages may be displayed on banners, streamers, strings of pennants, fabric signs, festoons of lights, flags, wind-animated objects, rigid signs, balloons, searchlights, portable signs attached to vehicles, or devices of a carnival nature, and shall be allowed as temporary signs in all zones.

b. The total area for all temporary signs per ~~((fourteen-))~~14((+)) day period, when combined with those signs authorized under subsection 23.55.012.A ~~((of this section))~~, in the aggregate shall not exceed ~~((thirty-two-))~~32((+)) square feet per building lot for signs made of rigid material, with no dimension greater than eight ~~((+8))~~ feet, and ~~((one hundred-))~~100((+)) square feet per building lot for temporary signs not made of rigid material; provided that the total area allowed for noncommercial messages may increase to a maximum of ~~((thirty-two-))~~32((+)) square feet per dwelling unit, with no dimension greater than eight ~~((+8))~~ feet, for signs made of rigid material, and ~~((one hundred-))~~100((+)) square feet per dwelling unit for temporary signs not made of rigid material, all for use by the occupant of that dwelling unit. No individual sign made of nonrigid material may exceed ~~((thirty-six-))~~36((+)) square feet.

2. Temporary signs for temporary uses are limited to wall or roof signs. In the aggregate, signs for temporary uses may not exceed 32 square feet in area, with no dimension greater than 8 feet. Temporary signs may be displayed for the entire period that the temporary use is permitted.

Section 15. Section 23.55.022 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

23.55.022 Signs in multifamily zones

E. In Lowrise, Midrise and Highrise zones which are not designated Residential-Commercial, permitted ground-floor business establishments in multifamily structures may have one ~~((4))~~ electric or non-illuminated sign per street frontage. The sign may be a wall or projecting sign. The maximum area of each sign face shall be ~~((twenty-four (24)))~~ 24 square feet. The maximum height of any portion of the sign shall be ~~((fifteen (15)))~~ 15 feet.

Section 16. Section 23.55.024 of the Seattle Municipal Code, which section was last amended by Ordinance 120388, is amended as follows:

23.55.024 Signs in residential commercial (RC) zones~~((:))~~

B. Ground-floor business establishments may have one ~~((4))~~ electric or non-illuminated wall sign or projecting sign per street frontage, located on the commercial portion of the structure.

Section 17. Section 23.76.004 of the Seattle Municipal Code, which section was last amended by Ordinance [omnibus ord cb 117124], is amended as follows:

23.76.004 Land use decision framework

B. Type I and II decisions are made by the Director and are consolidated in Master Use Permits. Type I decisions are decisions made by the Director that require the exercise of little or

no discretion and that are not appealable to the Hearing Examiner. Type II decisions are discretionary decisions made by the Director that are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that Type II decisions enumerated in ~~((Section))~~ subsection 23.76.006.C.2 shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. Type III decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal. Type I, II or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

Table A for 23.76.004

LAND USE DECISION FRAMEWORK

**DIRECTOR’S AND HEARING EXAMINER’S DECISIONS REQUIRING MASTER
 USE PERMITS**

TYPE I Director’s Decision (No Administrative Appeal)	TYPE II Director’s Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner’s Decision (No Administrative Appeal)
* Compliance with development standards * Uses permitted outright * Temporary uses, ((four weeks or less)) <u>except temporary uses and facilities for light rail transit facility construction</u> * Intermittent uses * Interim use parking authorized under subsection 23.42.040.G * Uses on vacant/underused lots per Section 23.42.038	* Temporary uses ((;)) <u>and facilities for light rail transit facility construction</u> ((more than four weeks, except for temporary relocation of police and fire stations)) * Variances * Administrative conditional uses * Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals) * Short subdivisions * Special Exceptions	* Subdivisions (preliminary plats)

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
* Certain street uses * Lot boundary adjustments * Modifications of features bonused under Title 24 * Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation * Temporary uses for relocation of police and fire stations * Exemptions from right-of-way improvement requirements * Special accommodation * Reasonable accommodation * Minor amendment to a Major Phased Development Permit * Determination of public benefit for combined lot FAR * Determination of whether an amendment to a Property Use and Development Agreement is major or minor * Streamlined design review, pursuant to Section 23.41.018, if no development standard departures are requested	* Design review, except for streamlined design review pursuant to Section 23.41.018 for which no development standard departures are requested * Light rail transit facilities * The following environmental determinations: 1. Determination of non- significance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) * Major Phased Development * Downtown Planned Community Developments	

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
* Other Type I decisions that are identified as such in the Land Use Code		

COUNCIL LAND USE DECISIONS

TYPE IV (Quasi-Judicial)	TYPE V (Legislative)
* Amendments to the Official Land Use Map (rezones), except area-wide amendments, and adjustments pursuant to Section 23.69.023	* Land Use Code text amendments
* Public project approvals	* Area-wide amendments to the Official Land Use Map
* Major Institution Master Plans, including major amendments and renewal of a master plan's development plan component	* Concept approval for City facilities
* Major amendments to Property Use and Development Agreements	* Major Institution designations
* Council conditional uses	* Waiver or modification of development standards for City facilities
	* Planned Action Ordinance

Section 18. Section 23.76.006 of the Seattle Municipal Code, which section was last amended by Ordinance [CB 117124], is amended as follows:

23.76.006 Master Use Permits required

1 A. Type I, II and III decisions are components of Master Use Permits. Master Use
2 Permits are required for all projects requiring one or more of these decisions.

3 B. The following decisions are Type I:

- 4 1. Determination that a proposal complies with development standards;
5 2. Establishment or change of use for uses permitted outright, temporary uses for
6 ~~((four weeks))~~ one year or less not otherwise permitted in the zone except temporary uses and
7 facilities for light rail transit facility construction, uses allowed under Section 23.42.038, interim
8 use parking under subsection 23.42.040.G, and temporary relocation of police and fire stations
9 for 24 months or less;

10 ***

11 C. The following are Type II decisions:

12 1. The following procedural environmental decisions for Master Use Permits and
13 for building, demolition, grading and other construction permits are subject to appeal to the
14 Hearing Examiner and are not subject to further appeal to the City Council (supplemental
15 procedures for environmental review are established in Chapter 25.05, Environmental Policies
16 and Procedures):

- 17 a. Determinations of Non-significance (DNS), including mitigated DNS;
18 b. Determination that a final environmental impact statement (EIS) is
19 adequate; and
20 c. Determination of Significance based solely on historic and cultural
21 preservation.

22 2. The following decisions, including any integrated decisions to approve,
23 condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except
24 shoreline decisions and related environmental determinations that are appealable to the
25 Shorelines Hearings Board):

1 a. (~~Establishment or change of use for temporary uses more than four~~
2 ~~weeks not otherwise permitted in the zone or not meeting development standards, including the~~)

3 ((e)) Establishment of temporary uses and facilities to construct a light rail transit system for so
4 long as is necessary to construct the system as provided in subsection 23.42.040.F(~~(, but~~
5 ~~excepting temporary relocation of police and fire stations for 24 months or less))~~);

6 b. Short subdivisions;

7 c. Variances; provided that, variances sought as part of a Type IV decision
8 may be granted by the Council pursuant to Section 23.76.036;

9 d. Special exceptions; provided that, special exceptions sought as part of a
10 Type IV decision may be granted by the Council pursuant to Section 23.76.036;

11 e. Design review, including streamlined design review pursuant to Section
12 23.41.018 if development standard departures are requested pursuant to Section 23.41.012;

13 f. Administrative conditional uses; provided that, administrative
14 conditional uses sought as part of a Type IV decision may be approved by the Council pursuant
15 to Section 23.76.036;

16 g. The following shoreline decisions (supplemental procedures for
17 shoreline decisions are established in Chapter 23.60):

18 1) Shoreline substantial development permits;

19 2) Shoreline variances;

20 3) Shoreline conditional uses;

21 h. Major Phased Development;

22 i. Determination of project consistency with a planned action ordinance
23 and EIS;

24 j. Establishment of light rail transit facilities necessary to operate and
25 maintain a light rail transit system, in accordance with the provisions of Section 23.80.004; and

k. Downtown planned community developments.

Section 19. A new Section 23.76.067 of the Seattle Municipal Code is hereby enacted as follows:

23.76.067 Amendments pursuant to RCW 43.21C.420 (SEPA)

Unless an ordinance approving amendments to Title 23 expressly recites that the ordinance is intended to implement RCW 43.21C.420, the provisions of that statute do not apply to the ordinance.

Section 20. Section 23.84A.032 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.84A.032 "R."

"Residential use" means any one or more of the following:

1. "Accessory dwelling unit" means one or more rooms that (a) are located within an owner-occupied dwelling unit, or within an accessory structure on the same lot as an owner-occupied dwelling unit; (b) meet the standards of Section 23.44.041, ~~((or))~~ 23.45.545, or Chapter 23.47A as applicable; (c) are designed, arranged, and intended to be occupied by not more than one household as living accommodations independent from any other household; and (d) are so occupied or vacant.

19. "Rowhouse Development" means a multifamily residential use in which: (a) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located; (b) no portion of a dwelling unit occupies space above or below another dwelling unit, except for an authorized attached accessory dwelling unit and except for dwelling units constructed over a shared parking garage; (c) each dwelling unit is attached along at least one

common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line; (d) the front of each dwelling unit faces a street; (e) each dwelling unit provides pedestrian access directly to the street that it faces; and (f) there is no intervening principal structure between any dwelling unit and the street, or between any dwelling unit and a lot line.

21. "Townhouse Development" means a multifamily residential use that is not a rowhouse development, and in which: (a) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located; (b) no portion of a dwelling unit occupies space above or below another dwelling unit, except for an authorized attached accessory dwelling unit and except for dwelling units constructed over a shared parking garage; and (c) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line.

Section 21. Section 23.86.006 of the Seattle Municipal Code, which section was last amended by Ordinance [CB 117124] is amended as follows:

23.86.006 Structure height measurement

A. In all zones except downtown zones (~~and zones within the South Lake Union Urban Center~~), and except for the Living Building Pilot Program authorized by Section 23.40.060 and in the South Lake Union Urban Center, unless otherwise specified, the height of structures shall be measured according to this subsection 23.86.006.A.

1. General rule. Except as otherwise specified, the height of a structure is the difference between the elevation of the highest point of the structure not excepted from applicable height limits and the average grade level. In this subsection 23.86.006.A, "average grade level" means the average of the elevation of existing lot grades at the midpoints, measured

horizontally, of each exterior walls of the structure, except as provided in subsection 23.86.006.A.2.

2. Height measurement on sloping lots.

a. The calculation of structure height in subsection 23.86.006.A.1 may be modified, at the discretion of the applicant, on sloping lots for which the elevation at the higher corner of at least one exterior wall is at least 20 feet higher than the elevation at the lower corner of that wall.

b. If the condition of subsection 23.86.006.A.2.a is satisfied, then the height measurement method may be modified as follows:

1) Draw the smallest rectangle that encloses the principal structure.
2) Divide one side of the rectangle into equal segments at least 15 feet in length.

3) The lines used to divide the length of the structure into individual segments shall be perpendicular to the side of the rectangle used to determine the difference in elevation in subsection 23.86.006.A.2.a and extend as a vertical plane from the ground to the sky.

4) The maximum height for each segmented portion of the structure shall be measured from the average grade level for each segmented portion of the structure, which shall be calculated as the average elevation of existing lot grades at the midpoints of the two opposing exterior walls of each segmented portion of the structure.

B. Within the South Lake Union Hub Urban Center, structure height may be measured, at the applicant's option, using the method in either subsection 23.86.006.A or this subsection 23.86.006.B.

1. If using the methods in this subsection 23.86.006.B, structure height shall be measured for all portions of the structure. All measurements shall be taken vertically from

existing or finished grade, whichever is lower, to the highest point of the structure located directly above each point of measurement.

2. Existing or finished grade shall be established by drawing straight lines between the corresponding elevations at the perimeter of the structure. The straight lines will be existing or finished grade for the purpose of height measurement. When a contour line crosses a façade more than once, that contour line will be disregarded when establishing existing or finished grade.

Section 22. Section 23.91.002 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

23.91.002 Scope of Chapter 23.91

A. Violations of the following provisions of Seattle Municipal Code Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones (Sections 23.44.006 and 23.44.040, and Chapter 23.45);

2. Construction or maintenance of structures in required yards or setbacks in residential zones (Sections 23.44.014 and 23.44.040, and Chapter 23.45);

3. Parking of vehicles in a single-family zone (Section 23.44.016); and

4. Keeping of animals (Section 23.42.050). ~~((; and))~~

~~((5. Home occupations (Section 23.42.052).))~~

B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect, limit or preclude any previous, pending or subsequent enforcement action or proceeding taken pursuant to Chapter 23.90.

Section 23. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2011, and signed by me in open session in authentication of its passage this ____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

City Clerk

(Seal)